

Nicholas S. Cady (OSB # 113463)
Cascadia Wildlands
P.O. Box 10455
Eugene, Oregon 97440
Tel: 541-434-1463
Email: nick@casewild.org

Meriel L. Darzen (OSB #113645)
Crag Law Center
3141 E. Burnside Street
Portland, Oregon 97214
Tel: 503-525-2725
Email: meriel@crag.org

Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
EUGENE DIVISION

CASCADIA WILDLANDS, an Oregon non-profit corporation; and **OREGON WILD**, an Oregon non-profit corporation,

Plaintiffs,

v.

UNITED STATES FOREST SERVICE, a federal agency,

Defendant.

Case No. 6:21-cv-01225-AA

**JOINT PROPOSED CASE
MANAGEMENT SCHEDULE**

Plaintiffs have informed Defendant that they intend to move forward with this litigation by filing a motion for a preliminary injunction. The Parties hereby jointly request that the Court approve the preliminary injunction schedule and other terms laid out in this proposed case management schedule to promote the orderly, efficient, and equitable litigation of these motions.

I. Parties and Representatives

A. Plaintiffs

Plaintiffs in Case No. 6:21-cv-01225-AA are Cascadia Wildlands and Oregon Wild (the “Cascadia Plaintiffs”). The Cascadia Plaintiffs are represented by:

Nicholas S. Cady (OSB # 113463)
Cascadia Wildlands
P.O. Box 10455
Eugene, Oregon 97440
Tel: 541-434-1463
Email: nick@cascwild.org

Meriel L. Darzen (OSB #113645)
Crag Law Center
3141 E. Burnside Street
Portland, Oregon 97214
Tel: 503-525-2725
Email: meriel@crag.org

B. Defendant

Defendant is the United States Forest Service (the “Forest Service”). The Forest Service is represented by:

Emma L. Hamilton (CA Bar No. 325360)
U.S. Department of Justice
Environment and Natural Resources Division
999 18th Street
South Terrace, Suite 370
Denver, CO 80202
Tele: (303) 844-1361
Fax: (303) 844-1350
emma.hamilton@usdoj.gov

Kevin Danielson
Assistant U.S. Attorney
U.S. Attorney's Office – District of Oregon
1000 SW Third Ave. - Suite 600
Portland, OR 97204
(503) 727-1025
kevin.c.danielson@usdoj.gov

II. Nature of the Case

This case challenges the Forest Service's alleged failure to supplement its National Environmental Policy Act analyses, and reinstate Endangered Species Act consultation on the Green Mountain, Lang Dam and Hwy 46 Projects after two 2020 wildfires. The Forest Service is in the process of implementing some timber sales that were authorized under the Hwy 46 Project before the 2020 fires but are being or have been modified to adjust for fire impacts. Plaintiffs' claims arise under the National Environmental Policy Act, 42 U.S.C. § 4321 *et seq.*, the Endangered Species Act, 16 U.S.C. § 1531 *et seq.*, and the Administrative Procedure Act, 5 U.S.C. § 706. Plaintiffs also bring a claim pursuant to the Freedom of Information Act, 5 U.S.C. § 552 ("FOIA"), challenging the Forest Service's alleged failure to timely release documents responsive to Plaintiff's FOIA request.

III. Proposed Schedule

The Parties in the proposed consolidated cases have agreed to the following schedule for the preliminary injunction motions:

- Briefing Schedule
 - Plaintiffs will file their preliminary injunction motions and supporting materials on or before October 12, 2021. Plaintiffs' brief will be limited to 35 pages or 11,000 words under the Court's local rules. L.R. 7-2(b).

- Defendant will file its response to the preliminary injunction motion on or before October 26, 2021 with a page limit of 35 pages or 11,000 words.
- Plaintiffs will file their reply briefs on or before November 2, 2021. Plaintiffs' brief will be limited to 35 pages or 11,000 words under the Court's local rules. L.R. 7-2(b).
- Defendant will file its response to Plaintiffs' Amended Complaint on or before November 22, 2021.
- Oral Argument
 - If the Court decides that a hearing on the preliminary injunction motions would be beneficial, Plaintiffs respectfully request that the Court set a hearing for the week of November 8, 2021, if possible, or as soon thereafter as the Court's calendar allows.
 - Defendant is available to participate in a hearing should the Court deem one beneficial to resolving Plaintiffs' emergency motion.

IV. Other Matters

The Forest Service agrees to defer finalizing any modifications to contracts let pursuant to the Hwy 46 project until October 15, 2021. While this litigation is pending, the Forest Service further agrees to provide Plaintiffs with 7 days written advanced notice of any ground disturbing activities under modified contracts within the Hwy 46, Lang Dam or Green Mountain project areas.

The Parties respectfully request the Court approve this joint proposed case management order.

DATED this 7th day of October, 2021.

Respectfully submitted,

/s/ Nicholas S. Cady
Nicholas S. Cady (OSB # 113463)
Cascadia Wildlands
P.O. Box 10455
Eugene, Oregon 97440
Tel: 541-434-1463
Email: nick@cascwild.org

Meriel L. Darzen (OSB #113645)
Crag Law Center
3141 E. Burnside Street
Portland, Oregon 97214
Tel: 503-525-2725
Email: meriel@crag.org

Attorneys for Cascadia Plaintiffs

TODD KIM
Assistant Attorney General
U.S. Department of Justice
Environment & Natural Resources Division

/s/ Emma L. Hamilton
EMMA L. HAMILTON (CA Bar No. 325360)
Trial Attorney
Natural Resources Section
999 18th Street
South Terrace, Suite 370
Denver, CO 80202
Tele: (303) 844-1361
Fax: (303) 844-1350
emma.hamilton@usdoj.gov

/s/ Kevin Danielson
KEVIN DANIELSON
Assistant U.S. Attorney

Attorneys for Defendants